

ORIGINAL

SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2010 MAY 11 PM 2:01

JEANNE HICKS, CLERK

BY: S. KELBAUGH

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

THE STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER,

Defendant.

No. CR 2008-1339

BEFORE: THE HONORABLE THOMAS B. LINDBERG  
JUDGE OF THE SUPERIOR COURT  
DIVISION SIX  
YAVAPAI COUNTY, ARIZONA

PRESCOTT, ARIZONA  
WEDNESDAY, APRIL 28, 2010  
1:39 P.M.

REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS

PRETRIAL MOTIONS

ROXANNE E. TARN, CR  
Certified Court Reporter  
Certificate No. 50808

APRIL 28, 2010  
1:39 P.M.

PRETRIAL MOTIONS

APPEARANCES:

FOR THE STATE: MR. JOE BUTNER AND MR. JEFF  
PAPOURE.

FOR THE DEFENDANT: MR. JOHN SEARS, MR. LARRY  
HAMMOND AND MS. ANNE CHAPMAN.

MR. SEARS: Your Honor, there is another  
matter that impacts the jury selection process that we just  
want to bring to your attention. It has to with the petition  
for special action that the State filed that was served on us  
this morning, and I believe served on you. I don't know if  
you have had a chance to look at it.

THE COURT: Not that I have been aware of. It  
is news to me.

MR. SEARS: There is an indication that it was  
served at eleven o'clock this morning.

THE COURT: Perhaps on my staff, and they  
haven't shared that with me, yet.

MR. SEARS: We can provide you with a copy of  
it, Your Honor. We have a copy here.

It was a petition filed in the Arizona  
Court of Appeals seeking to overturn your sanctions order  
striking two of the three capital aggravators. The Court of  
Appeals has already set a response date of May 10th for

1 consideration of the petition.

2 And what this makes us think about is  
3 going forward on Tuesday with voir dire in this capital case  
4 and not being certain which aggravators are present in the  
5 case, to our knowledge the State did not seek a stay of these  
6 proceedings, and on the chance that the Court of Appeals  
7 grants the State's request for relief, and we are then in a  
8 different situation.

9 I simply put this issue out there. I  
10 don't have an answer for it. We didn't start this fire, but  
11 it is there.

12 THE COURT: Thank you.

13 Mr. Butner?

14 MR. BUTNER: Judge, that is not really an  
15 accurate description of the special action, but it does --  
16 and I wasn't aware that it had been filed, yet, but now I  
17 know it has been. It does present an interesting state of  
18 affairs as to where we are at.

19 THE COURT: I suppose it does.

20 MR. SEARS: The prayer for relief is very  
21 straightforward. It is a single issue petition, Your Honor,  
22 and the prayer for relief is, as I said, it is simply, "asks  
23 that the court accept jurisdiction of the special action and  
24 vacate the sanction imposed by the responding judge, to wit;  
25 you.

1 THE COURT: Given that, why don't we take up  
2 something more that may give them something more to think  
3 about.

4 I have motions to dismiss the last  
5 aggravating factor and a motion to dismiss the death penalty.  
6 Who wishes to take those up?

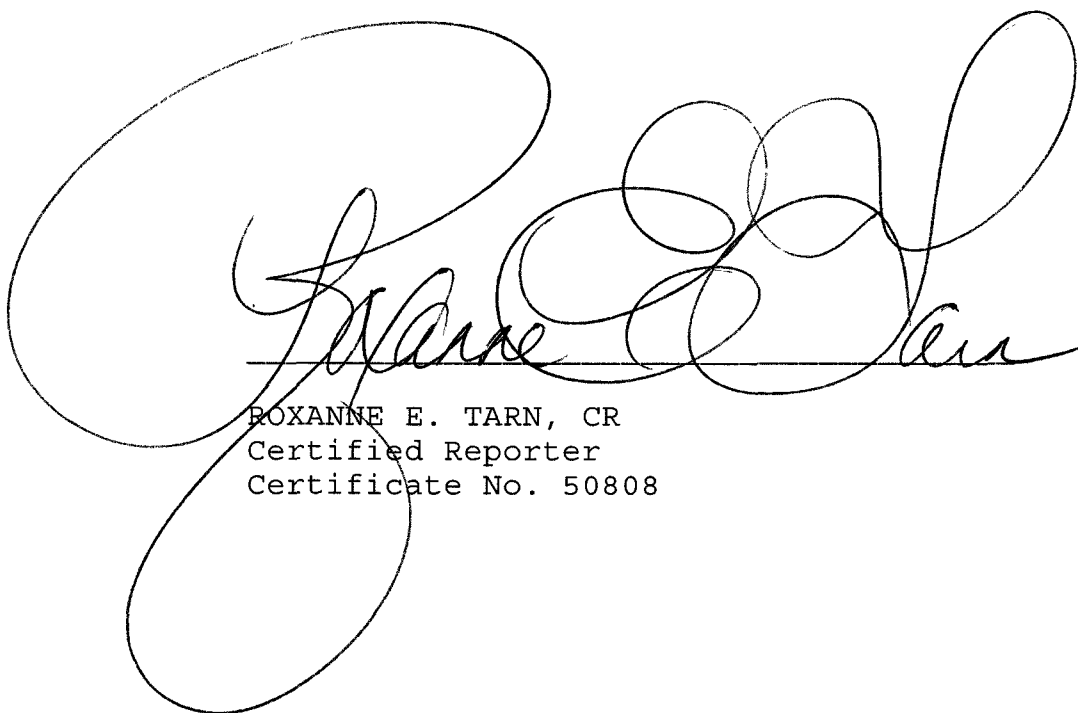
7 (Whereupon, the partial transcript is concluded.)

8 \*\*\*oOo\*\*\*  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, ROXANNE E. TARN, CR, a Certified Reporter  
in the State of Arizona, do hereby certify that the foregoing  
pages 1 - 4 constitute a full, true, and accurate transcript  
of the proceedings had in the foregoing matter, all done to  
the best of my skill and ability.

SIGNED and dated this 9th day of May, 2010.



ROXANNE E. TARN, CR  
Certified Reporter  
Certificate No. 50808